

sufficient security to be approved by the court from whose judgment the appeal is taken, in an amount not less than double the amount of fine and costs adjudged against him payable to the State of Texas; provided said bond shall not in any case be for a less sum than fifty dollars; said bond shall describe the judgment appealed from with sufficient certainty to identify it; shall recite that in said cause the defendant was convicted on complaint, or information, charging him with a misdemeanor, and has appealed to the county court and shall be conditioned that the defendant shall well and truly make his personal appearance before the county court of said county at its next regular term, stating the time and place of holding the same, and there remain from day to day, and term to term and answer in said cause on trial in said court.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

PUBLIC LANDS—SALE AND LEASE OF.

F. C. C. S. for H. B. No. 71.]

CHAPTER CXXV.

An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That it shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county the classification and valuation fixed upon each section of land in his county, and in each county attached to it for judicial purposes, and said Commissioner of the General Land Office shall make forthwith a correct and revised list for each county of all unsold lands therein, and he shall forward the same by registered letter to the county clerk of the county for which said list was made, or to the county clerk of the county to which said county is attached for judicial purposes, and the Commissioner of the General Land Office shall, on application therefor, furnish any citizen a copy of said list for as many counties as applied for, making a reasonable charge for such list or lists, and the Commissioner of the General Land Office shall file the return receipt for said registered letter among the papers of his office and keep the same for future reference; and said Commissioner of the General Land Office shall also notify said clerk of each and every sale as soon as said sales are made. Upon receipt of said list, or any notice required to be given under the provisions of this act, the county clerk receiving the same shall forthwith file and record said list in a well bound book to be kept for that purpose, and thereafter when notified of the sale of any section of land therein

described he shall enter opposite the description of the land so sold the name of the purchaser and the date when sold; and the said list so furnished said clerk, and said book shall be considered public records and open to public inspection, and it is hereby made the duty of the county clerk to exhibit said book and the records to any person who shall apply to him therefor. For the purpose of furnishing the several counties in this State and the clerks thereof with a revised list of all the unsold lands in this State, as provided in this act, the Commissioner of the General Land Office is hereby authorized to employ four expert clerks at a salary not to exceed one hundred dollars per month each; provided, their services shall be discontinued when said list shall have been made, and provided the employment shall not exceed six months. The sum of twenty-four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

In case any county clerk of any county in this State after the receipt of the list of unsold lands or notices concerning the same hereinbefore provided to be sent to him by the Commissioner of the General Land Office shall fail to file, record or exhibit the same as hereinbefore provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

SEC. 2. Any person desiring to purchase school or asylum land shall make a separate application for each tract applied for, addressed to the Commissioner of the General Land Office, describing the lands sought to be purchased, which application shall be accompanied with the affidavit of the applicant in effect that he desires to purchase the land for a home and has in good faith settled thereon, except where otherwise provided by law; and he shall also swear that he is not acting in collusion with others for the purpose of buying land for any other person or corporation, and that no other person or corporation is interested in the purchase thereof. He shall accompany said application with his obligation to the State, duly executed, binding the purchaser to pay to the State on the first day of November of each year thereafter until the whole purchase is paid one-fortieth of the aggregate price with interest at the rate of three per cent. per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of November of each year. Said application, oath and obligation shall be filed in the office of the county clerk of the county in which the land is applied for or a part thereof is situated, or of the county to which said county is attached for judicial purposes; but the clerk shall not file such application until the applicant shall have deposited with him the first payment of one-fortieth of the aggregate purchase money for the particular tract of land. Upon the receipt of said application and first payment, the county clerk shall endorse officially on the application the day and the hour of filing, and record the same in full in a well bound book to be kept by him for that purpose, and shall also note on his record of unsold school lands, the name of the applicant and the date the application is filed and as soon as the application is recorded, the book and page where recorded. The county clerk shall record the application and obligation without delay, recording all applications in the order in which they are filed, and shall forthwith transmit them when recorded to the Commissioner of the Gen-

eral Land Office, and the first payment to the State Treasurer. All applications shall take effect from the time they are filed in the office of the county clerk of the proper county; and for filing and recording each application and noting the name of the applicant and date of application on the record of unsold lands and transmitting it to the Commissioner of the General Land Office and the first payment to the State Treasurer, and all other services in connection therewith, the clerk shall be entitled to a fee of one dollar for each application, to be paid by the applicant. Any failure or refusal of the county clerk to perform any duties required in this section shall be an offense and upon conviction he shall be fined not less than one hundred dollars nor more than five hundred dollars.

SEC. 3. The Commissioner of the General Land Office is hereby prohibited from selling to the same party more than four sections of land, and all applications to purchase land shall also disclose the prior lands purchased by the applicant from the State, if any, since the taking effect of this act, and the residence of the applicant at said time, and if it appear therefrom or from the records in the Land Office that said applicant has already purchased land aggregating four sections since the taking effect of this act, his application shall be rejected; provided, this shall not apply to sales made to a purchaser and afterwards canceled as invalid for some reason other than abandonment and where the purchaser himself was not at fault. Every purchaser shall be required within three years after his purchase to erect permanent and valuable improvements on the land purchased by him, which improvements shall be of the reasonable market value of three hundred dollars. If any purchaser shall fail to reside upon and improve in good faith the land purchased by him as required by law, he shall forfeit said land and all payments made thereon to the State, to the same extent as for the non-payment of interest, and such land shall be again upon the market as if no such sale and forfeiture had occurred, and all forfeitures for non-occupancy shall have the effect of placing the land upon the market without any action whatever on the part of the Commissioner of the General Land Office; and if any purchaser shall be forced to yield possession of the land purchased by him from the State on account of any writ or other judicial process issued from a court of competent jurisdiction, or be compelled to temporarily yield his possession from a well-grounded fear of death or serious bodily injury, such absence shall not work the forfeiture provided by law for non-occupancy; but no writ of injunction shall issue in any case involving the title or possession of lands herein referred to where the applicant has an adequate remedy at law by sequestration or otherwise.

SEC. 4. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this act shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if the lands applied for are subject to lease, and not in immediate demand for actual settlement, shall notify the applicant in writing who first files written application therefor that his proposition to lease is accepted, and thereupon he shall execute to the lessee in the name and by the authority of the State of Texas a lease of said lands for such time as may be agreed upon, not to exceed five years; and when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance, he shall deliver said lease to the clerk of the county

court of the county in which the land is situated, or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book kept in his office, open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease and the number of years it has to run; and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents. Upon payment of said fee the clerk shall deliver the lease to the lessee and no other record of leases hereafter made shall be required except said memorandum. When any of such leases are filed for record the clerk shall make the memorandum or abstract above provided for. All lands which may be leased shall be subject to sale at any time, except where otherwise provided herein. This provision in regard to the sale of leased lands shall apply to leases heretofore made as well as to those hereafter to be made. Any section or part of a section which may be leased shall not be sold except to the lessee, nor shall the lessee be disturbed in his possession thereof during the term of his lease, when he has placed on such section or part of a section improvements to the value of two hundred dollars. In the following named counties lands heretofore leased shall not be subject to sale until said leases expire, except as herein provided, to wit: Kent, Garza, Lynn, Scurry, Borden, Dawson, Mitchell, Martin, Howard, Coke, Sterling, Glasscock, Tom Green, Irion, Schleicher, Menard, Mason, Uvalde, Frio, Kerr and Bandera, provided, that after the expiration of five years from the date this act takes effect all lands now under lease in any of the counties above named shall be subject to sale regardless of the fact as to whether or not the lease on the land has expired.

SEC. 5. The following counties shall constitute the absolute lease district, to wit: El Paso, Jeff Davis, Presidio, Brewster, Reeves, Pecos, Loving, Winkler, Ward, Yoakum, Terry, Gaines, Andrews, Ector, Midland, Upton, Crane, Crockett, Sutton, Val Verde, Edwards, Kinney, Maverick, Zavala, Dimmit, La Salle, McMullen, Webb, Duval, Nueces, Kimble, Zapata, Starr, Hidalgo and Cameron. All tracts of land lying partly inside and partly outside of the absolute lease district shall be considered for the purpose of sale and lease, as being wholly without said district. And lands situated in the absolute lease district which may be leased shall not be sold during the term of the lease, except as provided herein. On the expiration of any lease in the absolute lease district the lands shall remain subject to sale for a period of sixty days, except where there are improvements on a section of the value of two hundred dollars or more, and if it has been previously classified and valued by the Commissioner of the General Land Office, and notice given to the county clerk, it shall not be necessary to give the clerk any further notice in order to put the land on the market, but it shall be considered as already on the market and subject to sale. During said period of sixty days the Commissioner of the General Land Office shall suspend action upon any application to lease said land, and shall award it upon any legal application to purchase made during said time. And that the party purchasing any of said lands, whether inside or outside of the absolute lease district, within the inclosure of another, shall not turn loose any stock within the inclosure until he shall have provided sufficient water for the stock so turned loose, and any violation of this provision shall be an offense, and

upon conviction the party so offending shall be fined one dollar for each head of stock so turned loose, and each thirty days violation shall constitute a separate offense. If no application to purchase has been filed in the proper county clerk's office within sixty days after the expiration of the lease, then the former lessee shall have a preference right over any one else for thirty days thereafter to re-lease such lands or any part thereof, but his lease shall run from the expiration of his old lease. In all cases where the lease is terminated under any of the provisions of this act before the expiration of the term of lease, the lessee shall have a pro rata credit upon his next year's rent or the money refunded to him by the Treasurer as he may elect. On the expiration of his lease or its termination under the provisions of law, or by a final judgment of any court of competent jurisdiction, the lessee shall have the right for the period of sixty days to remove any or all improvements he shall have placed upon the leased premises. No purchaser or other person than the lessee shall be permitted to turn loose within such lessee's inclosure more than one head of horses, mules or cattle, or in lieu thereof, four head of sheep or goats, for every ten acres of land so purchased, owned or controlled by him and uninclosed. Each violation of the provisions of this act which restrict the number of stock which may be turned loose in such inclosure shall be an offense, and the offender, on conviction, shall be punished by fine of one dollar for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this section shall constitute a separate offense. The Commissioner of the General Land Office is hereby prohibited from renewing any lease before its expiration, as shown on the face of the original lease contract; and no lease contract shall be canceled, except in cases where the land has been or may be sold as provided by law, or where the lessee fails to pay the annual rental due the State within sixty days from the date it becomes due. And when the lessee shall fail to pay his annual rental within sixty days after it becomes due, the Commissioner of the General Land Office shall cancel said lease and immediately notify the county clerk of the county in which the land, or a part thereof is situated, of the cancellation and the date when canceled, and the clerk shall note the date of cancellation on his lease record, and the land shall be on the market for sale for sixty days after said cancellation.

SEC. 6. Any lessee shall have sixty days prior right to purchase lands as an actual settler at expiration of his lease; and provided further that if the sections sought to be purchased have each improvements upon them of a permanent nature of the value of five hundred dollars, that then said section or sections need not be situated within the five mile radius as fixed by law, and provided further, that all lands purchased under this act that are not purchased under this preference right herein given lessees shall be situated within the five mile radius now required by law.

SEC. 7. All lands which are now or which may hereafter become detached lands shall be sold to actual settlers only on such terms conditions as are now or which may hereafter be provided by law.

SEC. 8. The Commissioner of the General Land Office shall adopt such regulations for the sale of timber on the timbered lands as may be deemed necessary and judicious. Such timber shall not be sold for less than five dollars per acre cash, except in such cases as the Commissioner may ascertain by definite examination by an approved agent appointed

by him for that purpose, to be paid by the purchaser, to be sparsely timbered or containing timber of but little value, in which case he may sell the timber on such sections or part of sections at its proper value, provided such timber is sold at not less than two dollars per acre. The purchaser shall have five years from the date of his purchase within which to remove the timber therefrom, and in case of failure to do so, such timber shall thereby be forfeited to the State without judicial ascertainment; provided, that all timbered lands from which the timber has been cut and taken off may be placed on the market and sold as agricultural or grazing lands, according to classifications to be made by the Land Commissioner; provided, that upon application of the purchaser or his vendees of any such timber made within five years from the purchase of such timber the Commissioner of the General Land Office shall have said land classified at the expense of the owner of said timber as agricultural or grazing land, and the owner of said timber shall have the right to purchase said land at the valuation fixed by said Commissioner on the same terms and conditions as other lands of like classification are sold under the provisions of this chapter.

SEC. 9. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 10. The importance of the legislation proposed and the crowded condition of the calendar rendering it improbable that this bill can be read on three several days creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage; and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act was substituted for House bill No. 71 and passed the Senate by two-thirds vote, yeas 26, nays 1; and passed the House of Representatives April 9, 1901, vote not given. The House Journal, however, shows that it passed the House by two-thirds vote, yeas 96, nays 7.]

Approved April 19, 1901.

Became a law April 19, 1901.

TAXES—EXTENDING TIME OF PAYMENT IN CERTAIN COUNTIES.

H. B. No. 508.]

CHAPTER CXXVI.

An Act to extend the time of payment of the State and county taxes for the years 1900 in the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado, Austin, Grimes and Jackson, until February the 1st, 1902, from and after the 1st day of May, 1901.

Whereas, the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado, Austin, Grimes and Jackson were, on the 8th day of September, 1900, visited by a storm of unprecedented calamity, whereby many lives were lost, and property of great value destroyed and damaged, and whereby a great number of people were left homeless and without resources, either of property or money, and